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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/490,772	01/24/2000	Reinhard Heinrich Hohensee	BLD990043US1 (0511)	7611

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EXAMINER	
PARK, CHAN S	

ART UNIT	PAPER NUMBER
2625	

DATE MAILED: 08/09/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action Before the Filing of an Appeal Brief	Application No. 09/490,772	Applicant(s) HOHENSEE ET AL.	
	Examiner CHAN S. PARK	Art Unit 2625	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 17 July 2006 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:
   a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
   b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

   Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
   (a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
   (b) ☐ They raise the issue of new matter (see NOTE below);
   (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
   (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

   NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).
4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

   The status of the claim(s) is (or will be) as follows:
   Claim(s) allowed: _____.
   Claim(s) objected to: _____.
   Claim(s) rejected: *1-18,44-52,54-56,58-60,62,63 and 65-68*.
   Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: See the attached sheets.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). _____
13. ☐ Other: _____.

DOUGLAS Q. TRAN
PRIMARY EXAMINER

Chan S. Park

Advisory Action

Applicant's arguments filed 7/17/06 have been fully considered but they are not persuasive.

With respect to claim 1, the applicant states that "Smith does not capture the common page print data using the unique name provided in the naming field" and the current invention requires "capturing a presentation object that is identified by a globally unique identifier in a print stream." However, it is noted that the claimed method only identifies the presentation object according to the globally-unique identifier. The claimed method of capturing the presentation object having the assigned globally-unique identifier does not depend on the globally unique identifier. Rather, it simply captures the presentation object. The examiner agrees with the applicant, in that the process performed by the current invention is different than what Smith teaches. However, this difference is not apparent in the current claim wording.

With respect to claims 13, 44 and 67, arguments analogous to those presented for claim 1, are applicable. Furthermore, the printer 50 downloads the common page print data identified (col. 3, lines 13-22). According to the claim wording, it is unclear whether the capturing is based on the identifying step. Furthermore, the capturing of the presentation object for the re-use is taught in col. 2, lines 20-49 & col. 6, lines 16-35.

With respect to claim 50, the applicant states that "LeClair does not receive a print stream, but rather retrieves a print job from a queue in an initiator." However, it is noted that the claim does not claim the step of receiving a print stream either. Further, the Office, with the broadest reasonable interpretation, does not find any distinction

between retrieving a print job referenced by URL (col. 10, lines 4-9) and the claim wording of searching the object referenced by a selected indicia in a print data stream. Again, the claim does not recite whether the capturing of a presentation objects uses/refers to the globally unique identifier.

Moreover, Shimida clearly discloses a printing system having a persistent memory for storing the print object for reuse.

Throughout the arguments, the applicant repeatedly states that the prior art references fail to disclose the step of capturing the presentation objects using a globally unique identifier provided in a print data stream. However, none of the claims recite such a limitation.

The applicant challenges the examiner to cite a reference in support of the Official Notice that it is well known to deleting objects that are captured using a globally unique identifier provided in a print stream. Again, the claim does not recite whether the capturing of a presentation objects uses/refers to the globally unique identifier. Further, it should be noted that the examiner took the Official Notice only regards to deleting objects that are previously stored. The examiner only took the Official Notice to state that the deleting objects to increase the memory space is well known in the memory management art.

Furthermore, based on the applicant's remarks, it is noted that the examiner is not required to cite a reference supporting the Official Notice. The applicant is referred to MPEP 2144.03 regarding Official Notice.

> To adequately traverse such a finding, an applicant must specifically point out the supposed errors in the examiner's action, which would include stating why the noticed fact is not considered to be common knowledge or well-known in the art. See 37 CFR 1.111(b). See also Chevenard, 139 F.2d at 713, 60 USPQ at 241 ("[I]n the absence of any demand by appellant for the examiner to produce authority for his statement, we will not consider this contention."). A general allegation that the claims define a patentable invention without any reference to the examiner's assertion of official notice would be inadequate.

Further, it states

> If applicant does not traverse the examiner's assertion of official notice or applicant's traverse is not adequate, the examiner should clearly indicate in the next Office action that the common knowledge or well-known in the art statement is taken to be admitted prior art because applicant either failed to traverse the examiner's assertion of official notice or that the traverse was inadequate. If the traverse was inadequate, the examiner should include an explanation as to why it was inadequate.

The Examiner notes that the applicant's traverse is not adequate for two reasons.

1. The applicant fails to specifically point out and state why the noticed fact is not considered to be common knowledge or well-known in the art. Since the traverse is inadequate, the deleting objects for increasing memory space is taken to be admitted prior art.

2. The applicant never traversed the previous Official Notices. It is questionable as to why the applicant never traversed the same Official Notice taken in the Office Actions dated 7/26/04, 1/3/05 and 11/17/05. Because the applicant never traversed before, the deleting objects for increasing memory space is taken to be admitted prior art.

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to CHAN S. PARK whose telephone number is (571) 272-7409. The examiner can normally be reached on M-F 8am-4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Moore can be reached on (571) 272-7437. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Chan S. Park
Examiner
Art Unit 2625

csp
August 4, 2006

GLASS Q. TRAN
ARY EXAMINER